

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

THOMAS MANUEL,

Petitioner,

v.

Case No. 8:21-cv-2313-WFJ-CPT

SECRETARY, DEPARTMENT  
OF CORRECTIONS,

Respondent.

\_\_\_\_\_/


**ORDER**

Mr. Manuel, a Florida prisoner, initiated this action by filing a petition for a writ of habeas corpus (Doc. 1) in which he challenges a conviction for burglary entered in 2011 in Pinellas County, Florida. It appears Mr. Manuel may actually have intended to file the instant habeas petition in state court because he brings the petition under the Florida Constitution and Florida rules of criminal and appellate procedure. Moreover, he identifies the Florida Second District Court of Appeal, rather than this Court, in the heading of the petition.

To the extent he intended to file the petition in this Court, the petition must be dismissed for lack of jurisdiction. Mr. Manuel previously sought federal habeas relief in this Court regarding the conviction he challenges in this action. *See Manuel v. Secretary, Department of Corrections*, Case No. 8:15-cv-626-JDW-MAP (M.D.Fla.) (petition denied November 16, 2017). Therefore, the petition is a second or successive petition challenging the conviction. Mr. Manuel therefore had to obtain authorization from the Eleventh Circuit Court of Appeals prior to initiating this action in this Court. See 28 U.S.C. § 2244(b)(3)(A).

Accordingly, the petition (Doc. 1) **DISMISSED** without prejudice. The **Clerk of the Court** is directed to send Mr. Manuel the Eleventh Circuit's application form for second or successive habeas corpus petitions under 28 U.S.C. § 2244(b), return the original petition to Mr. Manuel,<sup>1</sup> and close this case.

**ORDERED** in Tampa, Florida, on October 1, 2021.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

SA: sfc

Copy to: Thomas Manuel, *pro se*

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<sup>1</sup> The Court is returning the original petition to Mr. Manuel to file in state court if he so wishes.